UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,325	11/06/2000	Wanda Carol Garrett	12421-0030/P04824	9440

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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Applicati n No.	Applicant(s)
Office Action Summary	09/707,325	GARRETT ET AL.
	Examiner	Art Unit
	Thong H Vu	2142

-- The MAILING DATE of this c mmunication appears n the cover sheet with the c rresp ndence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 November 2000</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 1-36 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-36 are rejected under 35 U.S.C. § 103 as being unpatentable over Burrows et

al [Burrows 6,397,117 B1] in view of Kawas et al [Kawas 6,058,262]

2.   As per claim 19, Burrows discloses a computer-readable medium carrying

instructions for designing a circuit (i.e.: network) that satisfies user-specified functional

requirements (i.e.: network client request), the instructions including instructions for

performing the steps of receiving said user-specified functional requirements over a

network from a client [Burrows, a distributed computer aid design system over Internet,

abstract];

        automatically determining, based on said user-specified requirements [Burrows,

automatically perform a circuit design based on said design parameters, col 6 lines 33-

60],

        However Burrows does not details the parameters including components and a

topology for constructing said circuit;

        the step of determining components includes determining components that have

operational values such that, when said components are arranged according to said

topology to form said circuit, the circuit satisfies said user specified functional

requirements; and

delivering to said client over said network component information that identifies

said components.

A skilled artisan would have motivation to improve the design process and found

Kawas teaching. Kawas taught a computer aided design apparatus using a network

infrastructure specifications (i.e.: components), networking rules (i.e.: topology)

components operation parameters (i.e.: characteristic of bandwidth, the type of

connection, desired products)[Kawas, col 5 line 44-coll 6 line 60, col 7 line 40-col 8 line

44]; delivering to said client (i.e.: represent them graphically to the user)[Kawas col 8

lines 59-65].

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to incorporate the details such as topology, network

rules and characteristics for network devices and represent them to user as taught by

Kawas into the Burrows apparatus in order to utilize the design parameters. Doing so

would provide a dynamic and efficient network design tool to the minimal networking

experience user.

3.   Claim 1 contains the similar limitations set forth of apparatus claim 19. Therefore,

claim 1 is rejected for the similar rationale set forth in claim 19.

4.   As per claims 20,2 Burrows-Kawas disclose the client is executing a browser

[Burrows web browser, col 6 lines 5-27]; and the step of delivering said component

information includes delivering to said browser one (or more) web pages that identify

said components [Burrows web page, col 5 lines 47-67].

5.   As per claims 21,3 Burrows-Kawas disclose the step of delivering includes

delivering one (or more) web pages that identify said components and that include at

least one control which, when selected, initiates an operation for placing an order over

said network for at least one of said components [Burrows, web form, col 5 lines 12-45].

6.   As per claims 22,4 Burrows-Kawas disclose the step of automatically determining

components includes the steps of-automatically determining, based on said user-

specified requirements, a plurality of suggested components, each of which may be

used to design a circuit that satisfies said user-specified functional requirements

[Burrows, automatically perform a circuit design based on said design parameters, col 6

lines 33-60];

        delivering to said browser over said network one (or more) suggested component

web pages that identify said plurality of suggested components [Burrows, web

browser,web page, col 5 lines 5-10];

        in response to selection of a suggested component of said plurality of suggested

components identified in said one (or more) suggested component web pages,

receiving from said browser over said network a message that identifies the selected

suggested component [Burrows a prompt software which ensure the user correctly

completes the form, col 5 lines 21-33]; and

automatically determining, based on said user-specified requirements and said

selected suggested component, components for constructing a circuit that includes said

selected suggested component and that satisfies said user-specified functional

requirements [Kawas, the database contains data which satisfy the user request, col 5

line 62-col 6 line 56].

7.   As per claims 23,5 Burrows-Kawas disclose the step of delivering to said browser

over said network one (or more) suggested component web pages includes delivering

one (or more) suggested component web pages that specify, for each suggested

component of said plurality of suggested components, a price value [Kawas, optimize

based on different constraint such as minimize the tariff one has to pay, col 8 lines 4-

24].

8.   As per claims 24,6 Burrows-Kawas disclose the step of delivering to said browser

over said network one (or more) suggested component web pages includes delivering

one (or more) suggested component web pages that specify, for each suggested

component of said plurality of suggested components, a component identifier and one

(or more) operating values Kawas, the computer searches in the database to determine

if such a product/device exist then compares the characteristics, col 5 line 62-col 6 line

11].

9.   As per claims 25,7 Burrows-Kawas disclose instructions for performing the steps

of- determining a set of alternative components for a particular component of said

components, wherein each alternative component in said set of alternative components

may be used in said circuit in place of a particular component; delivering to said browser

over said network one or more web pages that identify said components and that

include a control that is associated said particular component; in response to selection

of said control, displaying on said browser said set of alternative components; and

in response to selection of one of said alternative components, updating said design to

include said selected alternative component in place of said particular component

[Kawas, alternative design, col 3 lines 1-4].

10.   As per claims 26,8 Burrows-Kawas disclose said operation for placing an order is

an operation for placing an order for a kit that includes a plurality of said components

[Kawas, database, col 4 lines 1-20].

11.   As per claims 27,9 Burrows-Kawas disclose said operation for placing an order is

an operation for placing an order for a kit that includes all of said components [Kawas,

database, col 4 lines 1-20].

12.   As per claims 28,10 Burrows-Kawas disclose said operation for placing an order

is an operation for placing an order with another party for the other party to construct a

said circuit [Burrows, web browser, Web form, web page/server, col 5 lines 6-11].

13.   As per claims 29,11 Burrows-Kawas disclose instructions for performing the step

of automatically determining, based on said user-specified requirements, one (or more)

prefabricated circuits for that satisfy said user-specified functional requirements

[Burrows col 6 lines 33-60].

14.   As per claims 30,12 Burrows-Kawas disclose instructions for performing the step

delivering to said browser over said network one (or more) web pages that identify said

one (or more) prefabricated circuits and that include at least one control which, when

selected, initiates an operation for placing an order over said network for at least one of

said one (or more) prefabricated circuits [Burrows col 6 lines 33-60].

15.   As per claims 31,13 Burrows-Kawas disclose the user-specified functional

requirements include one or more input values; and the step of automatically

determining components includes applying one or more input values from said user-

specified functional requirements to a formula (i.e.: Web form) to determine one (or

more) required parameter values, and determining said components based on said one

(or more) required parameter values [Burrows col 5 lines 5-64].

16.   As per claims 32,14 Burrows-Kawas disclose the steps of providing data that

identifies said components and said topology to a schematic design generation module;

and delivering to said browser, based on output from said schematic design generation

module, one (or more) web pages that display a schematic design of said circuit that

includes said components arranged according to said design [Kawas, col 7 line 55-col 8

line 3].

17.   As per claims 33,15 Burrows-Kawas disclose the user-specified functional

requirements include one (or more) input values; and the step of automatically

determining components includes applying one or more input values from said user-

specified functional requirements to a formula to determine one (or more) required

parameter values, and the step of automatically determining components includes

determining components that have specific operational values; the step of providing

data that identifies said components includes providing data that identifies components

with said specific operational values; and the step of delivering one (or more) web

pages that display a schematic design of said circuit includes delivering to said browser

a web page that displays an arrangement of said components with said specific

operational values [Kawas, a user has specified/identifies the site location, col 8 lines

25-58].

18.   As per claims 34,16 Burrows-Kawas disclose the steps of storing, on server-side

storage, design data that specifies the design of said circuit and data that associates the

design data with said user; and delivering to said browser a web page that identifies a

set of previously saved designs associated with said user, said previously saved

designs including the design of said circuit; and in response to user input at said

browser, delivering to said browser a web page that includes a schematic diagram

generated based on the design data stored on said server-side storage [Kawas

represent them graphically to user, col 8 lines 59-65]

19.   As per claims 35,17 Burrows-Kawas disclose the steps of in response to user

input at said browser that indicates that said design is to be shared with a second user,

storing data that associates the design data with said second user; delivering to a

second browser operated by said second user a web page that identifies a set of

previously saved designs associated with said second user, said previously save

designs including the design of said circuit; and in response to user input at said second

browser, delivering to said second browser a web page that includes a schematic

diagram generated based on the design data stored on said server-side [Kawas, shared

port, col 5 lines 44-60].

20.   As per claims 36,18 Burrows-Kawas disclose the step of automatically

determining components includes determining components that have specific

operational values;

the step of providing data that identifies said components includes providing data that

identifies components with said specific operational values; and the step of delivering

one (or more) web pages that display a schematic design of said circuit includes

delivering to said browser a web page that displays an arrangement of said components

with said specific operational values [Kawas, select networking products from a

database, col 4 lines 1-20, and represent them graphically to the user, col 8 lines 59-

65].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gonda et al

[Gonda 6,662,221 B1]

21.   As per claim 19, Gonda discloses a computer-readable medium carrying

instructions for designing a circuit that satisfies user-specified functional requirements,

the instructions including instructions for performing the steps of receiving said user-

specified functional requirements over a network from a client [Gonda, an automated

managing system for VPN, abstract];

automatically determining, based on said user-specified requirements,

components and a topology for constructing said circuit [Gonda, generate a service

order based on user request of new service and customer SLA parameters, col 7 lines

37-44; the various modules, subsystem, elements, col 5 lines 29-41; topology, col 11

lines 35-67];

wherein the step of determining components includes determining components

that have operational values such that, when said components are arranged according

to said topology to form said circuit, the circuit satisfies said user specified functional

requirements[Gonda, configure or provision into request for the individual elements and

subnetworks, col 12 lines 19-48]; and

delivering to said client over said network component information that identifies

said components [Gonda, tracjk and report performance to the user, col 15 lines 45-48].

22.   Claim 1 contains the similar limitations set forth of apparatus claim 19. Therefore,

claim 1 is rejected for the similar rationale set forth in claim 19.

23.   As per claims 20,2 Gonda discloses the client is executing a browser; and the

step of delivering said component information includes delivering to said browser one

(or more) web pages that identify said components [Gonda, Internet server, col 5 lines

43-67, browser, col13 lines 53-67].

24.   As per claims 21,3 Gonda discloses the step of delivering includes delivering one

or more web pages that identify said components and that include at least one control

which, when selected, initiates an operation for placing an order over said network for at

least one of said components [Gonda, Internet server, col 5 lines 43-67, browser, col13

lines 53-67].

25.   As per claims 22,4 Gonda discloses the step of automatically determining

components includes the steps of- automatically determining, based on said user-

specified requirements, a plurality of suggested components, each of which may be

used to design a circuit that satisfies said user-specified functional requirements;

delivering to said browser over said network one (or more) suggested component web

pages that identify said plurality of suggested components; in response to selection of a

suggested component of said plurality of suggested components identified in said one

(or more) suggested component web pages, receiving from said browser over said

network a message that identifies the selected suggested component; and automatically

determining, based on said user-specified requirements and said selected suggested

component, components for constructing a circuit that includes said selected suggested

component and that satisfies said user-specified functional requirements [Gonda,

abstract, Fig 1].

26.   As per claims 23,5 Gonda discloses the step of delivering to said browser over

said network one (or more) suggested component web pages includes delivering one or

more suggested component web pages that specify, for each suggested component of

said plurality of suggested components, a price value [Gonda, billing management, col 8

lines 16-25].

27.   As per claims 24,6 Gonda discloses the step of delivering to said browser over

said network one or more suggested component web pages includes delivering one or

more suggested component web pages that specify, for each suggested component of

said plurality of suggested components, a component identifier and one or more

operating values [Gonda, send a modification to the NP&E group via email, col 10 lines

25-35].

28.   As per claims 25,7 Gonda discloses instructions for performing the steps of-

determining a set of alternative components for a particular component of said

components, wherein each alternative component in said set of alternative components

may be used in said circuit in place of a particular component; delivering to said browser

over said network one or more web pages that identify said components and that

include a control that is associated said particular component; in response to selection

of said control, displaying on said browser said set of alternative components; and in

response to selection of one of said alternative components, updating said design to

include said selected alternative component in place of said particular component

[Gonda, modify the infrastructure due to insufficient bandwidth, col 10 lines 25-35].

29.   As per claims 26,8 Gonda discloses said operation for placing an order is an

operation for placing an order for a kit that includes a plurality of said components

[Gonda, request a new service, col 10 lines 1-22].

30.   As per claims 27,8 Gonda discloses said operation for placing an order is an

operation for placing an order for a kit that includes all of said components [Gonda,

request a new service, col 10 lines 1-22].

31.   As per claims 28,10 Gonda discloses said operation for placing an order is an

operation for placing an order with another party for the other party to construct a said

circuit [Gonda, a client /server system, Fig 3].

32.   As per claims 29,11 Gonda discloses instructions for performing the step of

automatically determining, based on said user-specified requirements, one or more

prefabricated circuits for that satisfy said user-specified functional requirements [Gonda

col 15 lines 7-25].

33.   As per claims 30,12 Gonda discloses instructions for performing the step

delivering to said browser over said network one or more web pages that identify said

one or more prefabricated circuits and that include at least one control which, when

selected, initiates an operation for placing an order over said network for at least one of

said one or more prefabricated circuits [Gonda, equipment information, col 14 lines 46-

60].

34.   As per claims 31,13 Gonda discloses the user-specified functional requirements

include one or more input values; and the step of automatically determining components

includes applying one or more input values from said user-specified functional

requirements to a formula to determine one or more required parameter values, and

determining said components based on said one or more required parameter values

[Gonda, equipment information, col 14 lines 46-60].

35.   As per claims 32,14 Gonda discloses the steps of providing data that identifies

said components and said topology to a schematic design generation module; and

delivering to said browser, based on output from said schematic design generation

module, one or more web pages that display a schematic design of said circuit that

includes said components arranged according to said design [Gonda, equipment

information, col 14 lines 46-60, topology, col 11 lines 35-67].

36.   As per claims 33,15 Gonda discloses the user-specified functional requirements

include one or more input values; and the step of automatically determining components

includes applying one or more input values from said user-specified functional

requirements to a formula to determine one or more required parameter values, and the

step of automatically determining components includes determining components that

have specific operational values; the step of providing data that identifies said

components includes providing data that identifies components with said specific

operational values; and the step of delivering one or more web pages that display a

schematic design of said circuit includes delivering to said browser a web page that

displays an arrangement of said components with said specific operational values

[Gonda configuration and provision the network elements and subnetworks, col 12 lines

53-60].

37.   As per claims 34,16 Gonda discloses the steps of storing, on server-side storage,

design data that specifies the design of said circuit and data that associates the design

data with said user; and delivering to said browser a web page that identifies a set of

previously saved designs associated with said user, said previously saved designs

including the design of said circuit; and in response to user input at said browser,

delivering to said browser a web page that includes a schematic diagram generated

based on the design data stored on said server -side storage [Gonda, Internet server,

col 5 lines 43-67, browser, col13 lines 53-67]

38.   As per claims 35,17 Gonda discloses the steps of in response to user input at

said browser that indicates that said design is to be shared with a second user, storing

data that associates the design data with said second user; delivering to a second

browser operated by said second user a web page that identifies a set of previously

saved designs associated with said second user, said previously save designs including

the design of said circuit; and in response to user input at said second browser,

delivering to said second browser a web page that includes a schematic diagram

generated based on the design data stored on said server-side [Gonda, Internet server,

col 5 lines 43-67, browser, col13 lines 53-67].

39.   As per claims 36,18 Gonda discloses the step of automatically determining

components includes determining components that have specific operational values; the

step of providing data that identifies said components includes providing data that

identifies components with said specific operational values; and the step of delivering

one or more web pages that display a schematic design of said circuit includes

delivering to said browser a web page that displays an arrangement of said components

with said specific operational values [Gonda, Internet server, col 5 lines 43-67, browser,

col13 lines 53-67].

40.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner Thong Vu, whose telephone number is (703)-
305-4643.
The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Jack Harvey*, can be reached at (703) 305-9705.
        Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-9700.
        Any response to this action should be mailed to: Commissioner of Patent and
Trademarks, Washington, D.C. 20231 or faxed to :
                        After Final   (703) 746-7238
                        Official: (703) 746-7239
                        Non-Official (703) 746-7240
        Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142